

**REMARKS**

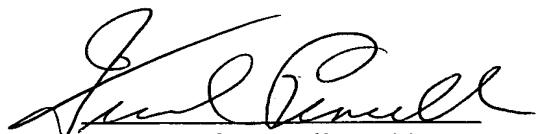
The claims have been amended to more precisely define and distinguish the present invention over the cited prior art.

Claim 1 has been amended to specifically set forth that the gemstone having an altered color at the location of the micro-discrete indicia without ablating the surface of the gemstone, the altered color resulting from said near-field optics forming said micro-discrete indicia image.

It is respectfully submitted that the prior art does not teach or suggest producing a micro-discrete indicia image in the size range set forth by the independent claim wherein a color change has been affected with regard to the gemstone and said micro-discrete indicia image without causing ablation of the gemstone. As Applicants point out, Applicant's invention provides a distinct indicia which does not affect the quality of the gemstone and yet provides identification of the gemstone. Due to the use of near-field optics, far less energy is required for producing of the indicium thereby avoiding ablation of the gemstone. As previously described, the indicium of Smith is substantially larger than to which the present invention is directed to. In addition, the Smith et al. reference discloses the use of lasers that use substantially higher energy and thereby potential damage to the gemstone which is even further problematic with regard to non-diamond gemstones.

Applicant also incorporate the remarks as previously set forth in Applicant's response submitted on January 11, 2005.

Respectfully submitted,



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